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PLEASE TAKE NOTICE that on the FEB 1 6 2006, 2006, at the hour of 8:30 a.m., or as soon thereafter as counsel may be heard, Defendant shall move this Court for an order Certifying the Judgment Pursuant to Rule 54(b) or in the alternative, to Amend the Judgment.

Said motion is brought pursuant to Rule 54(b) and 59(e) of the Federal Rules of Civil Procedure and based upon the accompanying memorandum of points and authorities, all pleadings on file herein.

Dated this 22<sup>nd</sup> day of December, 2005.

MATTHEW T. GREGORY, ESQ. LUJAN UNPINGCO AGUIGUI & PEREZ LLP

MATTHEW T. GREGORY
Attorney for Defendant

## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing DEFENDANT'S NOTICE OF MOTION & MOTION CERTIFYING THE JUDGMENT PURSUANT TO RULE 54(B) OR IN THE ALTERNATIVE, TO AMEND THE JUDGMENT was by me or at my direction served on 12/22/05 via hand delivery to:

## Colin M. Thompson

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Attorney at Law Lower Base P.O. Box 501280 Saipan, MP 96950

## Robert T. Torres

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MATTHEW T. GREGORY